

Remarks

By the Office Action dated June 29, 2005, the Examiner has required restriction of the application to either group I - claims 7-8 and 15 drawn to a method, group II - claims 16-23 also drawn to a method, group III - claims 9-13 drawn to a device with an expandable chamber (and related to method claims 7-8 and 15), or group IV - claims 14 and 24-28 drawn to a device with a filamentary element (and related to method claims 16-20). Applicants hereby elect, with traverse, claims 14 and 21-28. Applicants point out that the Examiner has indicated that claims 21-23 are method claims included in group II. These claims, however, are device claims that depend from claim 14, and thus are properly included within group IV.

Applicants have elected with traverse based on the fact that the method and device claims of groups I and III are sufficiently related and not distinct from one another, as are the method and device claims of groups II and IV. The Examiner has indicated that device claimed in group III can be used in a materially different process than that set forth in the claims of group I, and that the device claimed in group IV can be used in a materially different process than that set forth in the claims of group II. Applicants respectfully disagree. Independent claim 10 of group I (claim 9 has been canceled) clearly recites a device for treating incontinence, wherein the expandable chamber is positioned substantially below the urethra so that manipulation of the chamber provides increased support for the urethra, which directly correlates to the use recited in method claims 7, 8 and 15. Similarly, independent claims 14 and 24 recite devices for treating incontinence, wherein the filamentary element is manipulated to increase or decrease support to the urethra, which directly correlates to the use recited in method claim 16.

In view of the foregoing, applicants respectfully request that the Examiner withdraw the restriction, at least with respect to groups I and III, and groups II and IV.

Applicants believe that no fee is due in connection with this response. The Commissioner is hereby authorized, however, to charge any additional fees that may be required to Account No. 10-0750/GYN-0045/MJS. This Authorization is being submitted in triplicate.

Respectfully submitted,
/Melissa J. Szanto/

Melissa J. Szanto
Attorney for the Applicants
Reg. No. 40,834

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1365
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